

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs

CASE NO. 10-444-66 (FAB)

EDWIN ANDINO-ROBLES

**MOTION NOTIFYING VIOLATIONS AND REQUESTING
MODIFICATION OF THE CONDITIONS OF SUPERVISED RELEASE**

**TO THE HONORABLE FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

**COMES NOW, IVELISSE ALONSO-MENDEZ, UNITED STATES PROBATION
OFFICER** of this Court, presenting an official report of Mr. Edwin Andino-Robles, who on December 8, 2011, was sentenced to 66 months of imprisonment, followed by eight (8) years of supervised release after he plead guilty of violating Title 21 U.S.C. 841, 846 and 860, Conspiracy to Possess with Intent to Distribute Cocaine in a protected location.

Besides the standard conditions of release, the following special conditions were imposed: search and seizure, drug testing and financial disclosure. On September 18, 2015, Mr. Andino-Robles' conditions of supervised release were modified to include substance abuse treatment in order to prevent a relapse due to the participant severe drug use history. A special monetary assessment in the amount of \$200 was also imposed.

On October 16, 2015, Mr. Andino-Robles commenced the supervision term imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:**

Mr. Andino-Robles has violated the following conditions of supervised release:

VIOLATION OF MANDATORY CONDITION: "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME, AND SHALL OBSERVE THE STANDAR CONDITIONSO F SUPERVISED RELEASE".

VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER SEVEN (7) - "THE DEFENDNAT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE,DISTRIBUTE OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRECRIBED BY A PHYSICIAN."

On May 4, 2017, during a routine home contact, Mr. Andino-Robles informed that he ended his relationship with Jessica Agosto after the couple had an argument. According to the supervisee, they were already separated when he was visiting Vista Hermosa Public Housing Project on or about the week of April 10, 2017. While he was talking to some friends, Mrs. Agosto approach him and slap him in the face. According to Mr. Andino-Robles, enraged, he snapped and hit her twice in the face. The

supervisee further admitted that his friends and brother (codefendant) Edward Andino-Robles intervened. The Puerto Rico Police Department was never informed and a complaint was never made. Consequently, no charges have been filed.

Mr. Andino-Robles admitted that in order to cope with anxiety, lack of sleep, crying spells, poor impulse control, frustration and anger, he has relapse in the use of Xanax (Benzodiazepines). To buy them, he has visited drug points.

On May 10, 2017, a telephone call was placed to Mrs. Agosto who corroborated the offender's version. The collateral denied being interested in press charges and/or requesting a protection order against the offender. She also denied having contact with the offender after the aggression incident three (3) weeks ago.

Mr. Andino-Robles has been reprimanded for his current violations. Furthermore, he has been instructed to not enter Vista Hermosa Public Housing and avoid any contact (social media, written, telephone, personal or using third parties) with Mrs. Jessica Agosto. Moreover, he is very repentant for his decisions and actions and is fully aware that these have a negative effect in his supervision process and what he has established as his goals.

As a preventive measure and in order to provide more structure and prevent a relapse in the use of hard control substances, the Probation Officer has discussed the situation with the substance abuse provider and counselor. It was agreed that Mr.

Andino-Robles commenced mental health services and medication, individual counseling will be weekly, and contacts with his Probation Officer will be monthly.

WHEREFORE, I declare under the penalty of perjury that the foregoing is true and correct. In view of the aforementioned, it is respectfully requested the Court takes notice of these violations and modifies the Conditions of Supervised Release, as noted in the attach form (Prob 49). If Mr. Andino-Robles incurs in any new violation, the Court will be duly notify for pertinent action. Therefore, he to be dealt pursuant to law.

In San Juan, Puerto Rico, this 10th day of May 2017.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/ Ivelisse Alonso-Méndez

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CERTIFICATE OF SERVICE

I HEREBY certify that I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the parties in this case.

In San Juan, Puerto Rico, this 10th day of May 2017.

s/Ivelisse Alonso-Méndez

Ivelisse Alonso-Méndez
U.S. Probation Officer